

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

CHARLES HICKMAN,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	No. 1:06-CV-151
)	
LOUIS TURITTO, TIMOTHY TURITTO,)	Judge Curtis L. Collier
and all persons who claim an interest in)	
the property located at 5842 Park Drive,)	
Hamilton County, Tennessee,)	
)	
<i>Defendants.</i>)	

ORDER

This matter came before the Court for a hearing on Plaintiff Charles Hickman's ("Plaintiff") Motion for Preliminary Injunction and Application for a Temporary Restraining Order (Court File No. 32) on April 2, 2007. Notice of the hearing was provided to all parties (Court File No. 37). Attorney Luther Sutter appeared before the Court to represent Plaintiff, attorney Stephen Barham appeared before the Court to represent Defendant Timothy Turitto ("Timothy Turitto"), Defendant Louis Turitto ("Louis Turitto") did not appear, although duly noticed.¹

¹ Louis Turitto has not answered nor appeared in this matter. Notice of this hearing was given through the Court's electronic filing system (Court File No. 37) and Plaintiff's counsel represented to the Court on the record that he gave Louis Turitto notice of this hearing. Plaintiff also certified that he served a copy of his motion for preliminary injunction on Louis Turitto (Court File No. 32). Regardless, Louis Turitto, nor anyone representing him, appeared at the hearing on April 2, 2007.

Plaintiff requested two forms for relief in his motion: (1) a preliminary injunction prohibiting Louis Turitto from impairing Plaintiff's collateral any further, and (2) a court order formalizing an agreement between the parties that Timothy Turitto would not transfer, impair, or otherwise encumber the collateral unless this Court is given thirty (30) days notice. The Court previously issued an order granting Plaintiff a preliminary injunction concerning his first request for relief (Court File No. 42). With respect to Plaintiff's second request for relief, counsel represented they reached an agreement which was read into the record at the hearing. The Court noted it would formalize the parties' agreement into a court order in a document separate and apart from the preliminary injunction.

Accordingly, based upon the parties' agreement, **IT IS HEREBY ORDERED** that Timothy Turitto, or his agents, representatives, assigns or any other person acting on his behalf, shall not transfer, impair, or otherwise encumber the property the subject of this suit, located at 5842 Park Drive, Hixson, Tennessee, unless he first files thirty (30) days written notice with this Court of his intent to do so. Within this time, Plaintiff may object and/or seek further relief.

SO ORDERED.

ENTER:

/s/ _____
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE